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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,184

11/14/2005

Gilles Le Moal

PSA05005

1117

29980 7590 05/22/2007  
NICOLAS E. SECKEL  
Patent Attorney  
1250 Connecticut Avenue, NW Suite 700  
WASHINGTON, DC 20036

EXAMINER

KOTTER, KIP T

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

05/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,184	<b>Applicant(s)</b> LE MOAL ET AL.	
	<b>Examiner</b> Kip Kotter	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 5-15 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10 March 2005</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **12**. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. **No new matter should be entered.**

### *Claim Objections*

2. Claims 5-15 and 19 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and cannot depend from any other multiple dependant claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

3. Claim 16 is objected to because of the following informality: the phrase "curing the resin coating the combination of the clip and the balancing weight" should be changed to a phrase,

such as – **curing the resin coating applied to the surfaces of the clip and balance weight** – for clarity. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Amyot et al. (U.S. Publication No. 2004/0007912 A1).

Amyot et al. discloses a wheel balancing device **10** comprising a balancing weight **12** and a clip **14** adapted to be fixed to said wheel, said balancing weight, being made of a zinc aluminum alloy with at most trace amounts of copper as described in paragraph [0015], and the balancing weight and clip are coated with anti-corrosion protective layers as described in paragraphs [0014] and [0020]; and the balancing weight is molded over a portion of the clip as described in paragraph [0027].

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amyot et al. in view of Nagashima (JP 03272347 A).

Amyot et al. discloses a method of fabricating a wheel balancing device comprising the following steps: making a clip and molding a zinc alloy balancing weight over this clip.

Although Amyot et al. discloses a clip coated with an alloy rich in zinc (paragraph [0014] and a balancing weight coated with paint rich in metallic powders such as zinc paragraph [0020], Amyot et al. fails to disclose a wheel balancing device wherein the clip and balance weight are conjointly dipped in a bath containing a polymerizable resin charged with zinc and then cured before a second dipping and curing treatment.

Nagashima teaches a wheel balancing device wherein multiple coatings 7, 8, 9 of resin paint are applied to the clip and balance weight conjointly.

From this teaching, it would have been obvious to one of ordinary skill in the art to have modified the wheel balancing device of Amyot et al. by applying multiple coatings of resin paint to the clip conjointly with the balancing weight, such as taught by Nagashima, to help prevent galvanic corrosion and to simplify the manufacture process of the wheel balance device.

To employ a dipping and curing process for applying the coatings would have been obvious to one of ordinary skill in the art as this is a notoriously well-known process for applying resin coatings.

Regarding claim 17, it would have been obvious to one of ordinary skill in the art to have modified the wheel balancing device of Amyot et al., in view of Nagashima, by using pigments to achieve a desired appearance.

*Conclusion*


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other balancing weight assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kip Kotter whose telephone number is (571) 272-7953. The examiner can normally be reached on 9:00-4:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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RUSSELL D. STORMER  
PRIMARY EXAMINER  
5/17/07